

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NACHMAN NACHMENSON,	:	CIVIL ACTION NO. 1:20-CV-1197
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH OF PA,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 31st day of August, 2020, upon consideration of the report (Doc. 5) of Magistrate Judge Joseph F. Saporito, Jr., issued following review of *pro se* plaintiff Nachman Nachmenson's complaint (Doc. 1), wherein Judge Saporito notes that the sole defendant named in the complaint is the Commonwealth of Pennsylvania, and recommends that the complaint thus be dismissed for lack of subject matter jurisdiction pursuant to the Eleventh Amendment, and it appearing that Nachmenson has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that the failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to "satisfy itself that there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an

independent review of the record, the court agreeing with Judge Saporito's analysis and recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. Magistrate Judge Saporito's report (Doc. 5) is ADOPTED.
2. Nachmenson's complaint (Doc. 1) against the Commonwealth of Pennsylvania is DISMISSED for lack of subject matter jurisdiction.
3. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
4. The Clerk of Court is directed to close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania